

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO: ALL CASES IN EXHIBIT A AND IN APPENDICES 1 AND 2 ATTACHED HERETO	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**DEFENDANTS' MOTION TO SUBMIT SECOND AMENDED EXHIBIT A TO
ETHICON'S MOTION FOR ORDER REGARDING DISPOSITION OF NON-
REVISION GYNECARE TVT PRODUCTS CASES [DOC. NO. 5313]**

Defendants, Ethicon, Inc. and Johnson & Johnson (“Ethicon”),¹ move for leave to submit a Second Amended Exhibit A to Defendants’ Motion for Order Regarding Disposition of Non-Revision Gynecare TVT Products Cases (Docket No. 5313).

1. The proposed Second Amended Exhibit A, attached as Exhibit A hereto, includes a list of Plaintiffs that shall be substituted for those in Exhibit A to Defendants’ Motion, Docket No. 5313 and those in Amended Exhibit A and its appendices, Doc. Nos. 5414-1–5414-3.

2. Appendix 1 to Second Amended Exhibit A includes a list of plaintiffs who have been removed from Amended Exhibit A.

3. Appendix 2 to Second Amended Exhibit A includes a list of plaintiffs who have been added to Amended Exhibit A.

4. Ethicon agrees to remove the plaintiffs listed in Appendix 1 from Amended Exhibit A, but does not agree that each of these plaintiffs has undergone a Revision Surgery or is

¹ As used herein, “Ethicon” refers collectively to Johnson & Johnson, Ethicon LLC, Ethicon, Inc. as well as any of its former or present parent companies, subsidiaries, affiliated companies, directors, officers, design surgeons, employees, distributors, detail representatives named in an action pending in MDL No. 2327.

a Revised Plaintiff as defined in the Order Regarding Disposition of Non-Revision Gynecare TVT Products Cases, Doc. No. 5313.

4. To the extent that any of the plaintiffs that have been removed from Amended Exhibit A in the attached Second Amended Exhibit A have filed a response to Ethicon's Motion Regarding Disposition of Non-Revision Gynecare TVT Products Cases (Doc. No. 5313), any issues raised in those responses are rendered moot by the entry of Second Amended Exhibit A. Ethicon expressly does not agree that the definition of Revision Surgery or Revised Plaintiff as set forth in the Proposed Order (Exhibit A to Doc. No. 5313) should be revised or altered in any way.

WHEREFORE, Ethicon respectfully requests leave to file the attached Second Amended Exhibit A with Appendices 1 and 2, and requests any other general or specific relief as may be appropriate.

Respectfully submitted,

/s/ William M. Gage
William M. Gage (MS Bar #8691)
Butler Snow LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
(601) 985-4561
william.gage@butlersnow.com

/s/ Susan M. Robinson
Susan M. Robinson (W. Va. Bar #5169)
Thomas Combs & Spann PLLC
300 Summers Street
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 24338
(304) 414-1800
srobinson@tcspllc.com

Counsel for Defendants
Ethicon, Inc. and Johnson & Johnson

CERTIFICATE OF SERVICE

I certify that on this day, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage
William M. Gage